

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE ENROLLED ACT No. 1050

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AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 20-10.1-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The state superintendent shall develop an ISTEP program testing schedule in which:

- (1) each student in grades 3, 6, 8, and 10 must be tested; and
- (2) each student **in grade 10** must take a graduation examination.

**The board shall adopt rules to establish when a student is considered to be in grade 10 for purposes of initially taking the graduation examination.**

(b) A student who is a child with a disability (as defined in IC 20-1-6-1) shall be tested under this chapter with appropriate accommodations in testing materials and procedures unless the individuals who develop the child's individualized education program determine that testing under this chapter, or a part of the testing, is not appropriate for the student and that an alternate assessment will be used to test the student's achievement.

(c) Any decision with regard to a student who is a child with a disability (as defined in IC 20-1-6-1) to participate in testing under this chapter, to receive accommodations in testing materials and **procedure**, **procedures**, to participate in remediation under

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IC 20-10.1-17, or to be retained at the same grade level for consecutive school years shall be made in accordance with the child's individualized education program, subject to the ISTEP program manual, and federal law.

SECTION 2. IC 20-10.1-16-13, AS AMENDED BY SEA 235-1999, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) Beginning with the class of students who expect to graduate during the 1999-2000 school year, each student is required to meet:

- (1) the academic standards tested in the graduation examination; and
- (2) any additional requirements established by the governing body;

to be eligible to graduate.

(b) A student who does not meet the academic standards tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

(c) ~~The board shall develop and adopt a procedure to enable students who:~~

~~(1) undergo the graduation examination; and~~

~~(2) do not receive a passing score on the graduation examination; to appeal their particular results. The rules adopted by the board must provide for the specific eligible bases for which an appeal may be made and must include as one (1) basis for which an appeal may be made the submission by the appellant student of written evidence indicating that the student's teacher in areas tested by the graduation examination and principal; in their professional judgment, believe that the student's graduation examination results do not accurately reflect the student's attainment of the academic standards tested in the graduation examination.~~

~~(d) (c) A student who does not meet the academic standards tested in achieve a passing score on the graduation examination may~~

~~(1) have the requirement of meeting academic standards waived and~~

~~(2) be eligible to graduate~~

**if all of the following occur:**

- (1) The principal of the school the student attends certifies that the student will within one (1) month of the student's scheduled graduation date successfully complete all components of the Core 40 curriculum as established by the board under IC 20-10.1-5.7-1.**
- (2) The student otherwise satisfies all state and local**



graduation requirements.

(d) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of subsection (c) may be eligible to graduate if the student does all of the following:

(1) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.

(2) Completes remediation opportunities provided to the student by the student's school.

(3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.

(4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.

(5) Obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score. The recommendation must:

(A) be concurred in by the principal of the student's school; and

(B) be supported by documentation that the student has attained the academic standard in the subject area based upon:

(i) tests other than the graduation examination; or

(ii) classroom work.

(6) Otherwise satisfies all state and local graduation requirements.

(e) This subsection applies to a student who is a child with a disability (as defined in IC 20-1-6-1). If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

(1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

(A) be concurred in by the principal of the student's school; and



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**(B) be supported by documentation that the student has attained the academic standard in the subject area based upon:**

- (i) tests other than the graduation examination; or**
- (ii) classroom work.**

**(2) The student meets all of the following requirements:**

**(A) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.**

**(B) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.**

**(C) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.**

**(D) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.**

**(E) Otherwise satisfies all state and local graduation requirements.**

**(e) The state board of education shall determine the appropriate grade during which a student may initially undergo the graduation examination. The grade established under this subsection must be higher than grade 9.**

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